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32 **UNITED STATES BANKRUPTCY COURT**  
 33 **DISTRICT OF NEVADA**

34 In re:

35 USA COMMERCIAL MORTGAGE COMPANY,

36 USA CAPITAL REALTY ADVISORS, LLC,

37 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 38 LLC,

39 USA CAPITAL FIRST TRUST DEED FUND, LLC,

40 USA SECURITIES, LLC,

41 Debtors.

42 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

42 Case No. BK-S-06-10725-LBR

43 Case No. BK-S-06-10726-LBR

44 Case No. BK-S-06-10727-LBR

45 Case No. BK-S-06-10728-LBR

46 Case No. BK-S-06-10729-LBR

47 **CHAPTER 11**

48 Jointly Administered Under Case No. BK-S-06-  
 49 10725 LBR

50 **Amended Notice of Hearing; Partial Objection  
 51 of USACM Trust To Robert and Beverley  
 52 Carollo Claim Filed in Wrong Debtor's Case;  
 53 Objection of FTDF to Claim as Duplicative of  
 54 Claim Previously Disallowed in FTDF Case; and  
 55 Objection of DTDF to Claim as Duplicative of  
 56 Claim Previously Disallowed in DTDF Case**

57 New Hearing Date: September 28, 2007

58 New Hearing Time: 1:30 p.m.



## AMENDED NOTICE OF OBJECTION TO CLAIM

THE USACM LIQUIDATING TRUST, THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC, AND USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. THE DATE OF THE HEARING ON THE OBJECTION, AS WELL AS THE DEADLINE TO RESPOND TO THE OBJECTION, HAS BEEN CHANGED. UNLESS THE RESPONSE DEADLINE IS FURTHER ADVANCED BY THE COURT, THE NEW DEADLINE TO RESPOND TO THE OBJECTION IS SEPTEMBER 21, 2007. THE DATE OF THE HEARING ON THE OBJECTION HAS BEEN RESCHEDULED TO SEPTEMBER 28, 2007 AT 1:30 P.M. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR [WWW.BMCGROUP.COM/USACMC](http://WWW.BMCGROUP.COM/USACMC), or to the undersigned counsel. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is, in whole or in part, a debt of USA Capital First Trust Deed Fund, LLC Case No. 06-10728 (“FTDF”) or USA Diversified Trust Deed Fund, LLC Case No. 06-10727 (“DTDF”). The Official Committee of Equity Security Holders of FTDF (the “FTDF Committee”), by and through its counsel, further objects to any proposed allowance of your claim against the FTDF estate. DTDF, by and through its counsel, further objects to any proposed allowance of your claim against the DTDF estate. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim



1 as to USACM, FTDF and DTDF. If the Court grants the requested relief, it will not affect your  
 2 existing equity interest in the DTDF estate to the extent you hold an equity interest in DTDF.

3 **NOTICE IS FURTHER GIVEN** that the date of the hearing on the Objection has been  
 4 rescheduled, and that unless the hearing date is further advanced by the Court, the hearing on the  
 5 Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in  
 6 the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada,  
 7 on **SEPTEMBER 28, 2007 at the hour of 1:30 p.m.** **THE HEARING WILL BE HELD FOR**  
 8 **THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY**  
 9 **HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.**  
 10 **HOWEVER, IF THERE IS NO RESPONSE TO THE OBJECTION, THE COURT MAY**  
 11 **GRANT THE RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE**  
 12 **CLAIMS FILED AGAINST USACM, FTDF AND DTDF.**

13 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by the  
 14 Court, any response to the Objection must be filed by September 21, 2007 pursuant to Local Rule  
 15 3007(b), which states:

16 If an objection to a claim is opposed, a written response must be  
 17 filed and served on the objecting party at least 5 business days  
 18 before the scheduled hearing. A response is deemed sufficient if it  
 19 states that written documentation in support of the proof of claim  
 20 has already been provided to the objecting party and that the  
 documentation will be provided at any evidentiary hearing or trial  
 on the matter.

21 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
 22 pleading with the Court. You *must* also serve your written response on the person  
 23 who sent you this notice.

24 If you do not file a written response with the Court, or if you do not serve your  
 25 written response on the person who sent you this notice, then:

- 26 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 27 • The Court may *rule against you* without formally calling the matter at the  
 hearing.



1 Dated: August 16, 2007  
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By: /s/ Rob Charles (#006593)  
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1 Copy of the foregoing  
2 mailed this 16th day of  
3 August, 2007 to:

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12 ATTORNEYS FOR ROBERT AND BEVERLY CAROLLO

13 By: \_\_\_\_\_

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